

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In Re:)	
)	
DAVID W. WAGNER)	CHAPTER 7
)	CASE NO. 18-10071
Debtor)	
_____)	
)	
WESLEY HOLDING, LTD.,)	Adversary Case No. 18-01044
Plaintiff)	
)	
v.)	
)	
DAVID W. WAGNER,)	
Defendant)	
_____)	

MOTION FOR STAY OF PROCEEDINGS AND FOR EXTENSION OF DEADLINES

Now comes the Debtor David Wagner (“Debtor/Defendant”) and requests that the Court extend the deadlines for completion of discovery, for the filing of dispositive motions and for the parties to file a joint pre-trial statement.

As grounds, the Debtor states as follows:

1. The Defendant filed a chapter 7 case *pro se* on January 17, 2018.
2. The Plaintiff Wesley Holding, LTD. filed the within complaint on July 23, 2018 requesting that the Plaintiff’s claim be declared nondischargeable under 11 U.S.C. §523 [AND UNDER § 727?]
3. There are seven (7) adversary proceedings presently pending before the Court, including this proceeding. Four (4) seek determinations of dischargeability under 11 U.S.C. §523 and three (3) object to the Debtor’s discharge under 11 U.S.C. §727.
4. One of the adversary complainants has indicated that he intends to withdraw his

adversary proceeding [Wesley Holding, LTD AP #18-01036 and 18-01044] and proof of claim as his claim has been paid as a result of the liquidation of collateral.

5. On March 29, 2019, the chapter 7 trustee filed an adversary proceeding against the Debtor seeking a denial of discharge under 11 U.S.C. §727.

6. On November 29, 2018, the Court entered pre-trial scheduling orders in the respective adversary proceedings.

7. This Court has scheduled a pre-trial conference for April 18, 2019 in this matter as well as in the other adversary proceedings.

8. In addition to the adversary proceedings, on or about January 10, 2019, the Defendant objected to many proofs of claim. The objections to claims contain issues of fact and/or law that overlap with the issues in the adversary proceedings. The Court has scheduled a pre-trial conference on the claim objections for April 18, 2019.

9. On March 25, 2019, Defendant's counsel in all of the adversary proceedings filed a motion to withdraw. The Court has not ruled on that motion.

10. Plaintiff requests that this Court extend the time for the parties herein to complete discovery and to file dispositive motions and a joint pre-trial statement, to the extent necessary.

11. The Debtor is seeking a ruling that the §523 actions, the individual §727 actions, and the objections to proofs of claim be stayed until the Court rules on the pending Trustee §727 actions.

12. In the event that present bankruptcy counsel must conduct the adversary proceedings, additional time will be necessary to conduct discovery.

WHEREFORE, the Debtor requests that the Court stay this adversary proceeding and extend the time for the parties herein to complete discovery, to file dispositive motions and a

file a joint pre-trial statement, and for such other and further relief as is appropriate.

Debtor/Defendant
David W. Wagner
By his attorneys,

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NOTICE

Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2019, I served by electronic filing (ECF), a true copy of the within Motion for Stay of Proceedings and for Extension of Deadlines to the following parties:

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and I hereby certify that I have mailed by United States Postal Service, postage pre-paid, the document electronically filed with the court to the following non CM/ECF participants:

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